

ORDINANCE NUMBER O- 21044 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 13 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE INSTALLATION AND DISPLAY OF PUBLIC RIGHT-OF-WAY BANNERS IN BUSINESS IMPROVEMENT DISTRICTS AND PROPERTY AND BUSINESS IMPROVEMENT DISTRICTS EXEMPTING APPLICATION OF CERTAIN PORTIONS OF SAN DIEGO MUNICIPAL CODE SECTION 142.1210(b)(5)(C).

WHEREAS, on May 26, 1992, the City Council adopted Ordinance No. O-17776, which amended San Diego Municipal Code section 95.0101(E), authorizing the Planning Director to issue permits for banners to be installed in several areas within the City of San Diego, including within the City's Business Improvement Districts; and

WHEREAS, since adoption of Ordinance No. O-17776, Business Improvement Districts (BIDs) and Property and Business Improvement Districts (PBIDs) have been receiving permits for installation of street banners in the public right-of-way, promoting local businesses, the district, cultural events, and community gatherings of general public interest; and

WHEREAS, on November 13, 2008, the City Council adopted Ordinance No. O-19804, which, among other things, repealed section 95.0101(E) and amended San Diego Municipal Code section 142.1210(b)(5)(C) regarding banners; and

WHEREAS, section 142.1210(b)(5)(C) of the San Diego Municipal Code allows the placement of banners promoting cultural or civic events or activities of general public interest on streets and public rights-of-way designated by resolution of the City Council; and

WHEREAS, after the November 2008 Municipal Code amendment, there was no longer express authority within the Municipal Code for the City to issue banner permits within BIDs or PBIDs without a City Council resolution; and

WHEREAS, the Business Improvement Districts, and Property and Business Improvement Districts are economic-based, non-partisan, non-profit corporations whose mission is to promote business, trade, and commerce within designated business districts; and

WHEREAS, the Business Improvement Districts (BID's), and Property and Business Improvement Districts (PBID's) wish to install street banners in the public right-of-way promoting local businesses, events, and community gatherings of general public interest; and

WHEREAS, the City of San Diego wishes to aid this civic endeavor; NOW,  
THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. The following organizations may install banners in accordance with San Diego Municipal Code section 142.1210(b)(5)(C) and within the boundaries of their respective BIDs as follows:

- a. Adams Avenue Business Association within the Adams Avenue BID, as described in Ordinance No. O-19749;
- b. City Heights Business Association within the City Heights BID, as described in Ordinance No. O-16918;
- c. College Area Economic Development Corporation within the College Area BID, as described in Ordinance No. O-18539;
- d. Diamond Business Association, Inc. within the Diamond BID, as described in Ordinance No. O-18540;

- i. Pursuant to City Council Resolution No. R-303885, the Diamond Business Association, Inc., shall share authority with the Oak Park Community Council for: Euclid Avenue from Martin Luther King Jr. Freeway (State Route 94) to Westover Place; 54<sup>th</sup> Street from Euclid Avenue to 1925 54<sup>th</sup> Street; and Federal Boulevard from Euclid Avenue to 5255 Federal Boulevard.
- e. Downtown San Diego Partnership within the Downtown BID, as described in Ordinance No. O-10774;
- f. East Village Association, Inc. within the East Village BID, as described in Ordinance No. O-19881;
  - i. Pursuant to City Council Resolution No. R-303885, excluding: Market Street from India Street to 17<sup>th</sup> Street; F Street from 10<sup>th</sup> Avenue to 17<sup>th</sup> Street; J Street from 6<sup>th</sup> Avenue to 17<sup>th</sup> Street; Harbor Drive from 5<sup>th</sup> Avenue to Park Boulevard; Imperial Avenue from Park Boulevard to 17<sup>th</sup> Street; Park Boulevard from Market Street to Harbor Drive; 6<sup>th</sup> Avenue from Market Street to L Street; 7<sup>th</sup> Avenue from Market Street to Tony Gwynn Drive; Tony Gwynn Drive from 7<sup>th</sup> Avenue to Park Boulevard; 8<sup>th</sup> Avenue from Market to J Street; 9<sup>th</sup> Avenue from Market to J Street; 10<sup>th</sup> Avenue from F Street to Park Boulevard; Russ Boulevard from Park Boulevard to 16<sup>th</sup> Street; B Street from Park Boulevard to 16<sup>th</sup> Street; C Street from Park Boulevard to 16<sup>th</sup> Street; 16<sup>th</sup> Street from Russ Boulevard to C Street; and Park Boulevard from Russ Boulevard to C Street.

- g. El Cajon Boulevard Business Improvement Association within the El Cajon Boulevard Central Business Improvement District, as described in Ordinance No. O-16919, and the El Cajon Boulevard Gateway Improvement District, as described in Ordinance No. O-16480;
- h. Gaslamp Quarter Association within the Gaslamp BID, as described in Ordinance No. O-17664;
- i. Hillcrest Business Association within the Hillcrest BID, as described in Ordinance No. O-17340;
- j. La Jolla Village Merchants Association within the La Jolla BID, as described in Ordinance No. O-17803;
- k. Little Italy Association of San Diego within the Little Italy BID, as described in Ordinance No. O-18541;
  - i. Pursuant to City Council Resolution No. R-309673 excluding: southside of West Ash Street from Pacific Highway to Front Street; West A Street from Pacific Highway to Front Street; Kettner Boulevard from West Ash Street to West A Street; India Street from West Ash Street to West A Street; Columbia Street from West Ash Street to West A Street; State Street from West Ash Street to West A Street; Union Street from West Ash Street to West A Street; and Front Street from West Ash Street to West A Street.
  - ii. Also excluding: Harbor Drive from West Laurel Street to West Ash Street; and westside of Pacific Highway from West Laurel Street to West A Street.

- l. Mission Hills Business Improvement District within the Mission Hills BID, as described in Ordinance No. O-17229;
- m. North Park Organization of Businesses, Inc. within the North Park BID, as described in Ordinance No. O-19780;
- n. Ocean Beach Merchants Association, Inc., within the Ocean Beach BID, as described in Ordinance No. O-17248;
- o. Old Town San Diego Chamber of Commerce within the Old Town BID, as described in Ordinance No. O-18208;
- p. The Pacific Beach Community Development Corporation within the Pacific Beach BID as described in Ordinance No. O-18542; and
- q. San Ysidro Improvement Corporation within the San Ysidro BID, as described in Ordinance No. O-18612.

Section 2. The following organizations may install banners in accordance with San Diego Municipal Code section 142.1210(b)(5)(C) and within the boundaries of their respective PBIDs as follows:

- a. Downtown San Diego Partnership, Inc. within the Downtown PBID, as described in Resolution No. R-309673; and
  - i. Pursuant to Ordinance No. O-17664, excluding: East side of 4<sup>th</sup> Avenue from Broadway to Harbor Drive; 5<sup>th</sup> Avenue from Broadway to Harbor Drive; West side of 6<sup>th</sup> Avenue from Broadway to Harbor Drive; South side of Broadway from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; E Street from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; F Street from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; G Street from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; Market Street from 4<sup>th</sup> Avenue to 6<sup>th</sup>

Avenue; Island Avenue from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; Island Avenue from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; J Street from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; K Street from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; L Street from 5<sup>th</sup> Avenue to 6<sup>th</sup> Avenue; and Harbor Drive from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue.

- b. North Park Organization of Businesses, Inc., within the North Park PBID, as described in Resolution No. R-311234.

Section 3. Banners authorized by this Ordinance are subject to the provisions of San Diego Municipal Code section 142.1210(b)(5)(C), with the following exceptions:

- a. Banners authorized by this Ordinance are exempt from Municipal Code section 142.1210(b)(5)(C)(i).
- b. Banners authorized by this Ordinance are exempt from Municipal Code section 142.1210(b)(5)(C)(iii). The banners shall not be displayed for more than six-months, with one six-month extension.
- c. Banners authorized by this Ordinance are exempt from Municipal Code section 142.1210(b)(5)(C)(iv). The banners shall be installed only on light standards that have been equipped by a licensed contractor with City-approved mounting hardware.

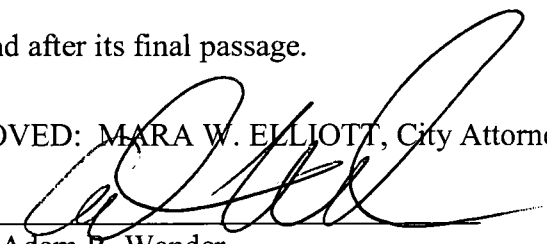
Section 4. Sign permits shall be obtained for each installation or annual program from the Development Services Department to locate banners in the public right-of-way.

Section 5. The banners have received a sign permit for each installation.

Section 6. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

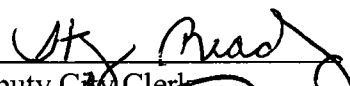
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Adam R. Wander  
Deputy City Attorney

ARW:jdf  
11/13/18  
Or.Dept: Econ. Dev.  
Doc. No. 1859757\_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 12 2019

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2/13/19  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on FEB 12 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 13 2019.

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Sty Ready*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 29 2019, and on FEB 13 2019.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Sty Ready*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21044</u>